

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of this amendment and the following reasons. By this amendment, claims 47-49, 67-69, and 87-93 have been amended. Accordingly, claims 47-49, 67-69, and 87-93 are pending in this application.

Claims 47-49, 67-69, and 87-93 have been amended to recite the present subject matter more clearly. Support for these features may be found at least in paragraph [0044] of the present application as published and in its Fig. 2. Thus, it is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132. Accordingly, Applicants request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §112

Claims 47-49, 69, and 87-93 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Specifically, the Examiner contends that the phrase “in association with each other” shown in claims 47, 69, 87, and 90, and also inherently included in dependent claims 48, 49, 88, 89, and 91-93, is unclear.

In response to this reason for rejection, claims 47, 87, and 90 have been amended to delete the language “in association with each other.” However, claim 69 has not been amended in this manner because there is no recitation of the language “in association with each other” in

the claim, contrary to the Examiner's contention. By this amendment, Applicants believe that this reason for rejection has been overcome. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claims 47-49, 69, and 87-93.

Rejections Under 35 U.S.C. §102

Claims 47, 48, 67, 68, 87, 88, and 90-92 stand rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2003/0041221 applied for by Okada ("Okada"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that the rejections of independent claim 47 must be withdrawn because the cited reference does not disclose, teach, or suggest all of the features of the claimed subject matter. "Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Assocs. V. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, "when evaluating the scope of a claim, every limitation in the claim must be considered. U.S.P.T.O. personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered." *U.S.P.T.O. Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, page 9, October 26, 2005. As the Federal Circuit stated, "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d

1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)).

Here, in view of this framework, Applicants respectfully submit that it is clear that Okada fails to disclose every recited feature of claim 47. Specifically, claim 47 recites, *inter alia*:

a first storage section that *stores* therein *an apparatus identifier* unique to the content processing apparatus *and specific data*;

an encrypting section that *encrypts* content and the specific data *using the apparatus identifier*; and

an output section that *stores* the encrypted content *and the encrypted specific data in content storage medium* which is *detachable* to the content processing apparatus (Emphasis added)

Okada fails to disclose, teach, or suggest these features for at least the reasons noted below:

First, according to the first feature recited above, the first storage section (113) must store *both of* the apparatus identifier (114) *and* the specific data (115) (Present application, Fig. 2).

With respect to this feature, the Office Action contends that the “ROM 220” shown in Okada’s Figs. 1 and 2 teaches the “first storage section”; Okada’s “host ID (access apparatus identification information)” teaches the “apparatus identifier”; and Okada’s “first driver ID and contents key” teaches the “specific data,” which has been amended from the “identification data” (Office Action, page 4, lines 1-4). Applicants respectfully disagree with this contention because, in Okada, the “host ID” is stored in the ROM 220 while the “first drive ID” is stored first in ROM 110 and then in RAM 210 (Okada, Figs. 1, 2; paragraphs [0068], [0076]). Accordingly, Okada’s “host ID” and “first drive ID” are not stored in a *single* storage section, as required by

the presently claimed subject matter, and thus, Okada still does not anticipate the first feature, “a first storage section that stores therein an apparatus identifier unique to the content processing apparatus and specific data.”

Second, according to the second feature of the subject matter, the encrypting section (109) must encrypt content (112) and the specific data (115) using the apparatus identifier (114) (Present application, Fig. 2). In other words, the presently claimed subject matter requires that a *single* encrypting section, i.e. the encrypting section (109) encrypts the two (112, 115) using the *same* key, i.e. the apparatus identifier (114). With respect to this feature, the Office Action concludes that this claims feature is taught by Okada, paragraphs [0066], [0068], and [0078] and Figs. 1 and 2, citing a portion of paragraph [0082], “[t]he encryption section 245 encrypts a contents key using the host key” (Office Action, page 4, lines 5-7). However, Applicants disagree with this conclusion because the “contents key” is not the “content” recited in claim 47.

As shown in Fig. 3, Step (A9), and also in paragraphs [0074] and [0084] of Okada, the “contents key” is used by the encryption section 247 for encrypting “content(s)” and thus is different from the latter. This difference is also confirmed by the Office Action, page 4, line 4 where “*first [drive] ID and contents key are known as identification data*” (Emphasis in Original): Here, since the “identification data” has been amended to the “specific data” in claim 47, and since the “specific data” is a distinguishable element from the “content” in the claim, it is clear that the “contents key” differs from the “content” in claim 47. As to the “contents key,” Okada, especially in its paragraphs [0082], [0083], teaches about the encryption of the contents key, however, does not teach about the encryption of the content(s). Moreover, in Okada, the first

drive ID stored in the RAM 210, which the Examiner believes teaches the specific data recited in claim 47, is encrypted by the encryption section 242, which is a different section from the encryption section 247 that encrypts the content(s). Thus, in Okada, the content(s) and the specific data are encrypted by *different* sections using *different* keys, assuming *arguendo* the Examiner's characterization of the "first drive ID" is correct. Furthermore, the "first drive ID" itself is different from the "specific data" of the present subject matter. Consequently, Okada fails to disclose, teach, or suggest the second feature, "an encrypting section that encrypts content and the specific data using the apparatus identifier."

Third, according to the third feature of the subject matter, an output section must store both of the encrypted content (104) and the encrypted specific data (105) in content storage medium (102), and the storage medium (102) must be detachable to the content processing apparatus (101) (Present application, Fig. 2). With respect to this feature, the Office Action contends that this feature is taught by Okada, paragraphs [0074], [0086], and [0087] and Figs. 2-9, since the reference teaches that "*storage section 150 includes key file 15[1] and data file 15[2]*" (Office Action, page 4, lines 8-10; Emphasis in Original). However, Applicants disagree with this contention because Okada's "first drive ID," "second drive ID," and "session key" are used to perform authentication processing between a drive and the host before content is stored in a storage section of the drive, and are not stored in the storage section 150 (*See* Okada, Fig. 1). Therefore, Okada's "first drive ID," "second drive ID," and "session key" are different from the "specific data" of the presently claimed subject matter. Furthermore, there is no disclosure, teaching, or suggestion in Okada about the storage section 150's *detachability* to the drive 100.

Accordingly, Okada fails to disclose, teach, or suggest the third feature, “an output section that stores the encrypted content and the encrypted specific data in content storage medium which is detachable to the content processing apparatus.”

Therefore, Okada does not disclose, teach, or suggest every recited feature, and thus fails to anticipate claim 47.

Claims 67, 87, and 90 recite similar features as claim 47 and thus are allowable for at least this reason.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §102(e) rejection of claims 47, 67, 87, and 90. Claims 48, 68, 88, 91, and 92 depend from claim 47, 67, 87, or 90 and are allowable for at least this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed subject matter, Applicants respectfully submit that independent claims 47, 67, 87, and 90, and all the claims that depend therefrom, are allowable.

Rejections Under 35 U.S.C. §103

Claims 49 and 69 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Okada in view of U.S. Patent Application Publication No. 2002/0169971 applied for by Asano et al. (“Asano”). Applicants respectfully traverse this rejection for at least the following reasons.

Claims 49 and 69 depend from claims 47 and 67, respectively, and Asano fails to cure the deficiencies of Okada noted above with regard to claims 47 and 67. In other words, because

neither of Okada nor Asano discloses, teaches, or suggests the claim features recited above with regard to the 35 U.S.C. §102(e) rejection, even the combined references does not disclose, teach, or suggest every feature recited in claims 47 and 67. Hence, claims 49 and 69 are allowable at least because they depend from allowable claims 47 and 67.

Furthermore, claims 49 and 69 are allowable over the references even in view of the following reasons:

With these features of the present subject matter, even in a case where a plurality items of encrypted content are stored in a storage medium and where content processing apparatuses can use respective items of encrypted content, by decoding “encrypted specific data” with less amounts of data than “encrypted content,” the content processing apparatus can decide in advance whether or not the processing apparatus can use the encrypted content, before decoding the encrypted content. By these features, the content processing apparatus can avoid unnecessary processing of decoding encrypted content that cannot be used by the content processing apparatus. These unexpected results can not be derived from the disclosure of Okada and Asano.

Accordingly, Applicants respectfully submit that the subject matter of claims 49 and 69 is not obvious over Okada and Asano, whether taken alone or in combination.

Claims 89 and 93 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Okada in view of Japanese Patent Application Publication JP 2002-009966 applied for by Masahiro et al. (“Masahiro”). Applicants respectfully traverse this rejection for at least the

following reasons.

Claims 89 and 93 depend from claims 87 and 90, respectively, and Masahiro fails to cure the deficiencies of Okada noted above with regard to claims 87 and 90. In other words, because neither of Okada nor Masahiro discloses, teaches, or suggests the claim features recited above with regard to the 35 U.S.C. §102(e) rejection, even the combined references does not disclose, teach, or suggest every feature recited in claims 87 and 90. Hence, claims 89 and 93 are allowable at least because they depend from allowable claims 87 and 90.

Furthermore, claims 89 and 93 are allowable over the references even in view of the unexpected results as noted above with regard to claims 49 and 69. Accordingly, Applicants respectfully submit that the subject matter of claims 89 and 93 is not obvious over Okada and Masahiro, whether taken alone or in combination.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 49, 69, 89, and 93. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed subject matter, Applicants respectfully submit that claims 49, 69, 89, and 93 are allowable.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

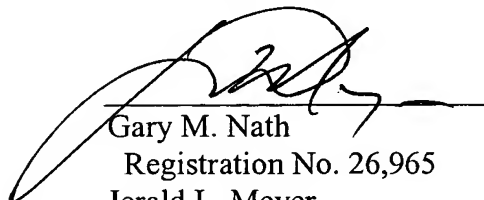
Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

August 28, 2008

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Respectfully submitted,
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A large, stylized handwritten signature in black ink, appearing to read 'Gary M. Nath', is written over a horizontal line.

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